

DECLARATION, POWER OF ATTORNEY AND PETITION

We, Lane Fielding Smith and Evan Farr Smith, declare: that we are citizens of the United States of America; that our residence and post office addresses are 3627 South 100 West, Bountiful, Utah 84010 and 3265 West 8410 South, West Jordan, Utah 84088, respectively; that we verily believe we are the original, first, and co-inventors of the subject matter of the invention or discovery entitled **MASTOPEXY STABILIZATION APPARATUS AND METHOD**, for which a patent is sought and which is described and claimed in the specification attached hereto; that we have reviewed and understand the contents of the above-identified specification, including the claims; and that we acknowledge the duty to disclose all information known to us to be material to patentability as defined in Section 1.56 of Title 37 of the Code of Federal Regulations.

We claim the benefit under Section 120 of Title 35 of the United States Code of the earlier filed U.S. Provisional Patent Application Serial No. 60/477,100, filed on June 9, 2003; and, insofar as the subject matter of the claims of this application are not disclosed in the earlier filed pending application in the manner provided by the first paragraph of Section 112 of Title 35 of the United States Code, we acknowledge the duty to disclose to the Patent and Trademark Office all information known to us to be material to patentability as defined in Section 1.56 of Title 37 of the Code of Federal Regulations, which became available between the filing date of the earlier filed application and the filing date of this application.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

We hereby appoint as our attorneys A. John Pate, Gary D. E. Pierce, Hal D. Baird, David B. Fonda, Warren M. Pate, Daniel P. Nelson, and Michael G. Pate, Registration Nos. 36,234, 38,019, 42,284, 39,672, 54,364, 52,063, and 53,439, respectively, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

All correspondence and telephonic communications should be directed to:

A. John Pate
PATE PIERCE & BAIRD
Parkside Tower
215 South State Street, Suite 550
Salt Lake City, Utah 84111

Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at Murray, Utah, this 3 day of February, 2004.

Inventor


Lane Fielding Smith
3627 South 100 West
Bountiful, Utah 84010

Signed at Murray, Utah, this 3 day of February, 2004.

Inventor


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